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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,623

09/26/2003

Steven Tysoe

134763

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41838

7590

03/24/2009

GENERAL ELECTRIC COMPANY (PCPI)

C/O FLETCHER YODER

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EXAMINER

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ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

03/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: STEVEN TYSOE, ROBERT ZABALA,
LUANA IORIO and AMITABH VERMA

Application No. 10/672,623
Technology Center 1700

Mailed: March 24, 2009

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

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application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF

Summary of Claimed Subject Matter

On March 5, 2007, Appellant filed a Supplemental Appeal Brief in response to a Notification of Non-Compliant Appeal Brief mailed January 11, 2007. On June 21, 2007, the Examiner's Answer indicated that the "Summary of Claimed Subject Matter" section of the brief filed March 5, 2007, was deficient. No response has been received from the Appellant concerning this matter. Appropriate action is required.

EXAMINER'S ANSWER

Missing Signatures

An appeal conference is mandatory in all cases in which an acceptable appeal brief has been filed and a determination to move forward on appeal has been made. The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal. On the examiner's answer, below the primary examiner's signature, the word "Conferees:"

should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name.

A review of the file finds that the Examiner's Answer is missing either at least one typed/ printed name of the appeal conference participants and/or is missing at least one initial or signature to make the record clear the appeal conference was held in accordance with MPEP § 1207.01. Therefore, correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed March 5, 2007, defective;
- 2) notify the Appellant to submit a "paper" which corrects the Summary of Claimed Subject Matter section;
- 3) acknowledge and consider any "paper" that may be submitted by Appellant in response to the Notice of Non-Compliance to correct the Appeal Brief as required by 37 CFR 41.37(c);
- 4) obtain the necessary conferee signatures; and
- 5) for such further action as may be appropriate.

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If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/MTV/tsj

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